By: Willia-

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5.j.r. no. <u>19</u>

▲ JOINT RESOLUTION

proposing a constitutional amendment to allow current and retired 2 college professors to receive compensation for serving on the 3 governing bodies of school districts, cities, towns, or other local 4 governmental districts, including water districts. 5

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (b), Section 40, Article XVI, Texas Constitution, is amended to read as follows:

State employees or other individuals who receive all or part of their compensation either directly or indirectly from funds of the State of Texas and who are not State officers, shall not be barred from serving as members of the governing bodies of school districts, cities, towns, or/other local governmental districts. Such State employees or othe/r individuals may not receive a salary for serving as members of/such governing bodies, except that a schoolteacher, retired schoolteacher, college professor, retired college professor, or retired school administrator may receive compensation for serving as a member of a governing body of a school district, city, town, or local governmental district, including a water district created μ nder Section 59, Article XVI, or Section 52, Article III.

This proposed constitutional amendment shall be submitted to the voters at an election to be held November 4, 2003. 23 The ballot shall be printed to provide for voting for or against the / $//_{>}$

___.J.R. No. _____

- 1 proposition: "The constitutional amendment to allow current and
- 2 retired college professors to receive compensation for serving on
- 3 the governing bodies of school districts, cities, towns, or other
- 4 local governmental districts, including water districts."

S.J.R. No. 19 1-1 By: Williams 1-2 (In the Senate - Filed February 5, 2003; February 12, 2003, first time and referred to Committee on State Affairs; 1-3 April 2, 2003, reported favorably by the following vote: Yeas 8, 1 - 4Nays 0; April 2, 2003, sent to printer.) 1-5

SENATE JOINT RESOLUTION

proposing a constitutional amendment to allow current and retired college professors to receive compensation for serving on the governing bodies of school districts, cities, towns, or other local governmental districts, including water districts.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (b), Section 40, Article XVI, Texas Constitution, is amended to read as follows:

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1-8 1-9 1-10 1-11

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(b) State employees or other individuals who receive all or part of their compensation either directly or indirectly from funds of the State of Texas and who are not State officers, shall not be barred from serving as members of the governing bodies of school districts, cities, towns, or other local governmental districts. Such State employees or other individuals may not receive a salary for serving as members of such governing bodies, except that a schoolteacher, retired schoolteacher, college professor, retired college professor, or retired school administrator may receive compensation for serving as a member of a governing body of a school district, city, town, or local governmental district, including a water district created under Section 59, Article XVI, or Section 52, Article III.

This proposed constitutional amendment shall be SECTION 2. submitted to the voters at an election to be held November 4, 2003. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to allow current and retired college professors to receive compensation for serving on the governing bodies of school districts, cities, towns, or other

local governmental districts, including water districts.' 1-33

* * * * * 1-34

FAVORABLE SENATE COMMITTEE REPORT ON

SB	SCR (SJR) SR HB HCR HJR	19
	SCR (SJR) SR HB HCR HJR	
	(Author/Senate Sponsor) 4/2/03	
	(date)	-

We, your Committee on	STATE AFF		, to which was referred the attached measure
have on Monday, March	31,2003	had the same	e under consideration and I am instructed to report i
back with the recommendation (s) t	hat it:		
do pass and be printed			
() do pass and be ordered not print	ted		
() and is recommended for placeme	ent on the Loca	l and Uncont	tested Bills Calendar.
A fiscal note was requested.	(V yes	() no	
A revised fiscal note was requested.	() yes	() no	
An actuarial analysis was requested	l. () yes	() no	
Considered by subcommittee.	() yes	() no	
m		fallowing wat	

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator William R. Ratliff, Chair	V.			
Senator Todd Staples, Vice-Chair	V.			
Senator Ken Armbrister	V			
Senator Robert Duncan				
Senator Rodney Ellis				
Senator Troy Fraser				
Senator Chris Harris			✓	
Senator Frank Madla	V			
Senator Jane Nelson				
TOTAL VOTES	8	0		0

COMMITTEE ACTION

S260	Considered in public hearing
	Testimony taken
111	un Dhall

COMMITTÉE CLERK

Paper clip the original and one copy of this signed form to the original bill Retain one copy of this form for Committee files $\frac{1}{2} \left(\frac{1}{2} \right) = \frac{1}{2} \left(\frac{1}{2} \right) \left(\frac{1}{$

BILL ANALYSIS

Senate Research Center

S.J.R. 19 By: Williams State Affairs 3/25/2003 As Filed

DIGEST AND PURPOSE

Currently, the Texas Constitution prohibits state employees who serve on local government boards from receiving compensation, with the exception of school teachers, retired school teachers, and retired school administrators. As proposed, S.J.R. 19 proposes a constitutional amendment to add college professors and retired college professors to the list of state employees who may receive compensation for serving on local government boards.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 40(b), Article XVI, Texas Constitution, by adding a college professor and a retired college professor to the list of persons who may receive compensation for serving as a member of a governing body of a school district, city, town, or local government district, including a certain water district.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election on November 4, 2003. Requires the ballot to be printed to allow for voting for against the proposition contained in specified text.

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

February 12, 2003

TO: Honorable Bill Ratliff, Chair, Senate Committee on State Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SJR19 by Williams (Proposing a constitutional amendment to allow current and retired college professors to receive compensation for serving on the governing bodies of school districts, cities, towns, or other local governmental districts, including water districts.), As Introduced

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff:

Engrossed April 14, 2003

Marai A Ospand

Engrossing Clerk

l certify this to be a true and correct copy of the indicated document as referred or transmitted to committee.

Chief Clerk of the House

By: Williams

S.J.R. No. 19

SENATE JOINT RESOLUTION

proposing a constitutional amendment to allow current and retired college professors to receive compensation for serving on the governing bodies of school districts, cities, towns, or other local governmental districts, including water districts.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (b), Section 40, Article XVI, Texas Constitution, is amended to read as follows:

(b) State employees or other individuals who receive all or part of their compensation either directly or indirectly from funds of the State of Texas and who are not State officers, shall not be barred from serving as members of the governing bodies of school districts, cities, towns, or other local governmental districts. Such State employees or other individuals may not receive a salary for serving as members of such governing bodies, except that a schoolteacher, retired schoolteacher, college professor, retired college professor, or retired school administrator may receive compensation for serving as a member of a governing body of a school district, city, town, or local governmental district, including a water district created under Section 59, Article XVI, or Section 52, Article III.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 4, 2003. The ballot shall be printed to provide for voting for or against the

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

February 12, 2003

TO: Honorable Bill Ratliff, Chair, Senate Committee on State Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SJR19 by Williams (Proposing a constitutional amendment to allow current and retired college professors to receive compensation for serving on the governing bodies of school districts, cities, towns, or other local governmental districts, including water districts.), As Introduced

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff:

HOUSE COMMITTEE REPORT 03 NAY -5 PN 11: 25 HAUSE OF REPRESENTATIVES

1st Printing

By: Williams

S.J.R. No. 19

(Eissler)

Substitute the following for S.J.R. No. 19:

By: Elkins

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C.S.S.J.R. No. 19

A JOINT RESOLUTION

1 proposing a constitutional amendment to permit a current or retired

faculty member of a public college or university to receive

compensation for service on the governing body of a water district.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 40(b), Article XVI, Texas Constitution,

is amended to read as follows:

- 7 (b) State employees or other individuals who receive all or
- 8 part of their compensation either directly or indirectly from funds
- 9 of the State of Texas and who are not State officers, shall not be
- 10 barred from serving as members of the governing bodies of school
- 11 districts, cities, towns, or other local governmental districts.
- 12 Such State employees or other individuals may not receive a salary
- 13 for serving as members of such governing bodies, except that:
- 14 (1) a schoolteacher, retired schoolteacher, or
- 15 retired school administrator may receive compensation for serving
- as a member of a governing body of a school district, city, town, or
- 17 local governmental district, including a water district created
- under Section 59, Article XVI, or Section 52, Article III; and
- (2) a faculty member or retired faculty member of a
- 20 public institution of higher education may receive compensation for
- 21 serving as a member of a governing body of a water district created
- 22 under Section 59 of this article or under Section 52, Article III,
- 23 of this constitution.
- 24 SECTION 2. This proposed constitutional amendment shall be

C.S.S.J.R. No. 19

- 1 submitted to the voters at an election to be held November 4, 2003.
- 2 The ballot shall be printed to permit voting for or against the
- 3 proposition: "The constitutional amendment to permit a current or
- 4 retired faculty member of a public college or university to receive
- 5 compensation for service on the governing body of a water
- 6 district."

COMMITTEE REPORT

The Honorable Tom Craddick Speaker of the House of Representatives

4/30/03

Sir:				
We, your COMMITTEE ON STAT				
to whom was referred <u>SJR</u> back with the recommendation that		have had th	ne same under conside	eration and beg to report
() do pass, without amendment.() do pass, with amendment(s).() do pass and be not printed; a		e Substitute is recom	mended in lieu of the o	riginal measure.
(★) yes () no A fiscal note v	vas requested.			
() yes (no A criminal just	tice policy impact stat	tement was requested	d.	
() yes on An equalized	educational funding in	mpact statement was	requested.	
() yes (X) no An actuarial a	nalysis was requeste	d.		
() yes (X) no A water devel	opment policy impact	statement was reque	ested.	
() yes 🚫 no A tax equity n	ote was requested.			
() The Committee recommends	that this measure be	sent to the Committe	e on Local and Conse	nt Calendars.
For Senate Measures: House Spe	onsor \underline{Eis}	sler		
Joint Sponsors:			,	
Co-Sponsors:				
The measure was reported from C	ommittee by the follo	wing vote:		
	AYE	NAY	PNV	ABSENT
Goodman				$X \longrightarrow X$
Elkins	X			
Lewis	X			
Davis, J.	X			
Villarreal				X
Cook, B.	X			
Gattis	<u> </u>			
Madden, Vice-chair	X			
Marchant, Chair	X			
1		CHAIR	mst	

BILL ANALYSIS

C.S.S.J.R. 19
By: Williams
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Article XVI, Section 40 of the Texas Constitution prohibits the simultaneous holding of more than one "office of emolument." Since 1972, it has included a proviso that allowed state employees who receive all or part of their compensation, either directly or indirectly, from funds of the State of Texas, and who are not State officers, to serve as members of the governing bodies of school districts, cities, towns, or other local governmental districts, provided that they not receive a salary for serving as members of such governing bodies. In 2001, the voters adopted an amendment to Article XVI, Section 40 permitting schoolteachers, retired schoolteachers, or retired school administrators to receive compensation for serving as a member of a governing body of a school district, city, town or local governmental district, including a water district. Faculty members of public colleges and universities were not specifically included in the group covered by the 2001 amendment. As a result, they are not currently authorized to receive compensation for serving as a member of the governing body of a water district. As proposed, C.S.S.J.R. 19 amends Subsection (b), Section 40, Article XVI of the Texas Constitution to so authorize faculty members of public colleges and universities.

RULEMAKING AUTHORITY

It is the opinion of the committee that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.J.R. 19 amends Subsection (b), Section 40, Article XVI, of the Texas Constitution, to provide that a faculty member or retired faculty member of a public institution of higher education is authorized to receive compensation for serving as a member of a governing body of a water district created under Section 59 of that article or under Section 52, Article III, of the Texas Constitution.

FOR ELECTION

This proposed constitutional amendment shall be submitted to the voters at an election to be held November 4, 2003. The ballot shall be printed to allow for voting for or against the proposition contained in the specified text.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.S.J.R. 19 differs from the original in that it only authorizes faculty members of public colleges or universities to receive compensation for serving as a member of a governing body of a water district. The original bill authorized college professors and retired college professors to receive compensation for serving as members on the governing bodies of school districts, cities, towns, or local government districts.

SUMMARY OF COMMITTEE ACTION

SJR 19

April 30, 2003

upon lunch recess

Considered in formal meeting
Committee substitute considered in committee
Reported favorably as substituted

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 1, 2003

TO: Honorable Kenny Marchant, Chair, House Committee on State Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SJR19 by Williams (Proposing a constitutional amendment to permit a current or retired faculty member of a public college or university to receive compensation for service on the governing body of a water district.), Committee Report 2nd House, Substituted

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff:

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 16, 2003

TO: Honorable Kenny Marchant, Chair, House Committee on State Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SJR19 by Williams (Proposing a constitutional amendment to allow current and retired college professors to receive compensation for serving on the governing bodies of school districts, cities, towns, or other local governmental districts, including water districts.), As Engrossed

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff:

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

February 12, 2003

TO: Honorable Bill Ratliff, Chair, Senate Committee on State Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SJR19 by Williams (Proposing a constitutional amendment to allow current and retired college professors to receive compensation for serving on the governing bodies of school districts, cities, towns, or other local governmental districts, including water districts.), As Introduced

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff:

ADOPTED

MAY 2 4 2003

Polici Contains

House of Representatives

78R17502 JSA-F



FLOOR AMENDMENT NO.

BY: __(

1 Amend C.S.S.J.R. No. 19 in SECTION 2 of the joint resolution

2 (House Committee Report, page 2, line 1), by striking "November 4"

3 and substituting "September 13".

Enrolled May 29, 2003

Mardi alexand

Enrolling Clerk

S.J.R. No. 19

1	SENATE JOINT RESOLUTION
2	proposing a constitutional amendment to permit a current or retired
3	faculty member of a public college or university to receive
4	compensation for service on the governing body of a water district.
5	BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:
6	SECTION 1. Subsection (b), Section 40, Article XVI, Texas
7	Constitution, is amended to read as follows:
8	(b) State employees or other individuals who receive all or
9	part of their compensation either directly or indirectly from funds
10	of the State of Texas and who are not State officers, shall not be
11	barred from serving as members of the governing bodies of school
12	districts, cities, towns, or other local governmental districts.
13	Such State employees or other individuals may not receive a salary
14	for serving as members of such governing bodies, except that:
15	(1) a schoolteacher, retired schoolteacher, or
16	retired school administrator may receive compensation for serving
17	as a member of a governing body of a school district, city, town, or
18	local governmental district, including a water district created
19	under Section 59, Article XVI, or Section 52, Article III; and
20	(2) a faculty member or retired faculty member of a
21	public institution of higher education may receive compensation for
22	serving as a member of a governing body of a water district created
23	under Section 59 of this article or under Section 52, Article III,
24	of this constitution.
25	SECTION 2. This proposed constitutional amendment shall be

S.J.R. No. 19

- 1 submitted to the voters at an election to be held September 13,
- 2 2003. The ballot shall be printed to permit voting for or against
- 3 the proposition: "The constitutional amendment to permit a current
- 4 or retired faculty member of a public college or university to
- 5 receive compensation for service on the governing body of a water
- 6 district."

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 19 was adopted by the Senate on April 14, 2003, by the following vote: Yeas 29, Nays 0; and that the Senate concurred in House amendments on May 29, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.J.R. No. 19 was adopted by the House, with amendments, on May 24, 2003, by the following vote: Yeas 121, Nays 6, one present not voting.

Chief Clerk of the House

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 26, 2003

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

FROM: John Keel, Director, Legislative Budget Board

IN RE: SJR19 by Williams (Proposing a constitutional amendment to permit a current or retired faculty member of a public college or university to receive compensation for service on the governing body of a water district.), As Passed 2nd House

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

The constitutional amendment would be submitted to the voters at an election to be held September 13, 2003.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, SD, RR, CT

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 1, 2003

TO: Honorable Kenny Marchant, Chair, House Committee on State Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SJR19 by Williams (Proposing a constitutional amendment to permit a current or retired faculty member of a public college or university to receive compensation for service on the governing body of a water district.), Committee Report 2nd House, Substituted

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff:

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 16, 2003

TO: Honorable Kenny Marchant, Chair, House Committee on State Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SJR19 by Williams (Proposing a constitutional amendment to allow current and retired college professors to receive compensation for serving on the governing bodies of school districts, cities, towns, or other local governmental districts, including water districts.), As Engrossed

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff:

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

February 12, 2003

TO: Honorable Bill Ratliff, Chair, Senate Committee on State Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SJR19 by Williams (Proposing a constitutional amendment to allow current and retired college professors to receive compensation for serving on the governing bodies of school districts, cities, towns, or other local governmental districts, including water districts.), As Introduced

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

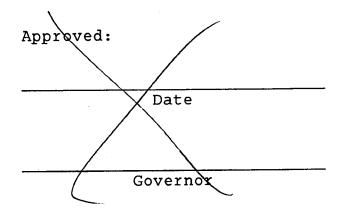
Source Agencies:

LBB Staff:

President of the Senate Speaker of the House
President of the Senate Speaker of the House Speaker of the House Speaker of the House was adopted by I hereby certify that S.B. No. 19 passed the Senate on
April 14, 2003, by a viva voce vote by the following
vote: Yeas 29 , Nays 0 ; and that the Senate concurred in
House amendment on May 19, 2003, by a viva voce vote by
the following vote: Yeas 31, Nays

I hereby certify that S.B. No. 19 was adopted by amendment, on May 24, 2003, by a non-record vote by the following vote: Yeas 121, Nays 6, one present not voting.

Chief Clerk of the House



3.J.K. INO 1	S.J.R. No	19	
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By Willia

SENATE JOINT RESOLUTION

proposing a constitutional amendment to allow current and retired college professors to receive compensation for serving on the governing bodies of school districts, cities, towns, or other local governmental districts, including water districts.

FEB 5 - 2003	Filed with the Secretary of the Senate	
FEB 12 2003	Read and referred to Committee onSTATE AFFAIRS	
APR 0 2 2003	Reported favorably	
	Reported adversely, with favorable Committee Substitute; Committee Substitute read first time	me.
-	Ordered not printed	
	Laid before the Senate	
APR 1 4 2003	(— ·	nays
APR 1 4 2003	Read second time,, and ordered engrossed by: \begin{align*} unanimous aonse a viva voce vote \\yeas,\end{arimous aonse a viva voce vote \\\end{arimous aonse a viva voce vote \\yeas,\end{arimous aonse aonse a viva voce vote \\yeas,\end{arimous aonse aonse a viva voce vote \\yeas,\end{arimous aonse aon	ent) nay
APR 1 4 2003	Senate and Constitutional 3 Day Rule suspended by a vote of yeas, na	
APR 1 4 2003	Read third time,, and passed by: _29 yeas, _o nays	
OTHER ACTION	$oldsymbol{O}$	
april 14, 2003	Engrossed	
April 14, 2003	Sent to House	
Engrossing Clerk	Marci alyand	
APR 1 4 2003	Received from the Senate	
APR 1 5 2003	Read first time and referred to Committee on State Affairs	
APR 3 0 2003	Reported favorably (as substituted)	
MAY 0 6 2003	Sent to Committee on Calendars	
AY 2 4 2003	Read second time (comm. subst.) (amended) and adopted (percent third trading) by a record vote of yeas, nays, present, not voting	
	Read third time (amended) and finally adopted (failed of adoption) by a record vote of yeas, nays, present, not voting	
MAY 2 6 2003	Returned to Senate.	
	CHIEF CLERK OF THE HOUSE	
	Returned from House without amendment.	
MAY 2 6 2003	Returned from House with <u>2</u> amendments.	
MAY 2 9 2003	Concurred in House amendments by a viva vece vete 31 yeas, 0 nays.	

	Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.
	Senate conferees instructed.
	Senate conferees appointed:, Chairman;
	, and
	House granted Senate request. House conferees appointed:, Chairman
	Conference Committee Report read and filed with the Secretary of the Senate.
	Conference Committee Report adopted on the part of the House by:
	\[\begin{align*} \lambda & \text{viva voce vote} \\ \textsquare & \text{yeas}, \textsquare & \text{nays} \\ \text{Conference Committee Report adopted on the part of the Senate by:} \] \[\begin{align*} \lambda & \text{viva voce vote} \\ \textsquare & \text{yeas}, \textsquare & \text{nays} \end{align*} \]
OTHER AC	CTION:
	Recommitted to Conference Committee
	Conferees discharged.
	Conference Committee Report failed of adoption by:
	a viva voce vote veas. navs

03 MAY -5 PH 11: 25 HUUSE OF AEFAESEN ATIVES